

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

Larren F. Jones, et al.

Appln. No.: 09/368,503

Filed: August 5, 1999

For: Wear Assembly For A Digging
Edge Of An Excavator

Atty. Docket No.: 051291.81516

Group Art Unit: 3641

Examiner: Christopher J. Novosad

Confirmation No: 5616

**SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION
TO CORRECT "ERRORS" STATEMENT (37 CFR 1.175)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive invention on the part of the applicant.

The specific changes/amendments to the claims are the addition of new claims 55 through 138. The original claims are unduly narrow in some respects and do not provide the full scope of protection to which we are entitled. Therefore, new claims 55 through 138 were added to correct our errors in claiming less than we had a right to claim. Claims 55 through 138 recite subject matter that was not claimed as such in the original claims and/or broaden the original claims by omitting features unnecessary to distinguish the claimed invention from the prior art. No other changes/amendments were made to the claims.

More particularly, the specific changes/amendments to the claims, as detailed below, are the additions of:

- Independent claims 55 and 59 and their dependent claims 56 through 58, and 60 through 61, which recite a wear assembly for attachment to a digging edge of an excavator. These claims are similar in some respects to original claims 1-9 and 51, which also recite a wear assembly, but are broader in that certain features unnecessary to distinguish the prior art are not recited. For example, claim 1 recites “a second surface adapted to be positioned remote from the digging edge” and “a rigid lock.” The “second surface” feature is omitted at least in new claim 55 and the unnecessarily restrictive “rigid lock” is broadened to “lock.”
- Independent claim 62 and its dependent claims 63 through 66, which are directed to a mount for attaching a wear member to a digging edge of an excavator. A mount is not claimed as such in any of original claims 1 through 54.
- Independent claims 67, 68, 70, and 73, and dependent claim 69, which depends from claim 68. These claims are directed to a lock adapted to be received into an opening in a wear member. A lock is not claimed as such in any of original claims 1 through 54.
- Independent claim 71 and its dependent claim 72, which are directed to a method of mounting a wear member to an excavator. A method of mounting a wear member is not claimed as such in any of original claims 1 through 54.
- Independent claims 74, 81, 91, 103, and 115, and their respective dependent claims 75 through 80 and 138, 82 through 90, 92 through 102, 104 through 107 and 116 through 118, which are directed to a wear assembly for an excavator having a lip, and independent claim 108 and its dependent claims 109 and 110, directed to a wear member for mounting to an excavator having a lip. None of a wear assembly for an excavator having a lip, a wear member for an excavator having a lip, and/or a wear member for mounting to an excavator having a lip is claimed as such in any of original claims 1 through 54.
- Independent claim 111, and its dependent claims 112 through 113, which are directed to a one-piece boss. A one-piece boss is not claimed as such in any of original claims 1 through 54.

- Independent claim 114, which is directed to a boss for fixing to an excavator lip. A boss for fixing to an excavator lip is not claimed as such in any of original claims 1 through 54.
- Independent claims 119, 125, and 129, and their dependent claims 120 through 124, 126 through 128, and 130 through 134, which are directed to a wear assembly for attachment along a lip of an excavator. A wear assembly for attachment along a lip of an excavator is not claimed as such in any of original claims 1 through 54.
- Independent claim 135, and its dependent claims 136 through 137, which are directed to a wear member for mounting on a front lip of an excavator. A wear member for mounting on a front lip of an excavator is not claimed as such in any of original claims 1 through 54.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Robert E. McClanahan

27 JUL 09
Date

Hezekiah R. Holland

Date

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PTO/SB/518 (10-05)

Approved for use through 04/30/2007. OMB 0851-0033

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**SUPPLEMENTAL DECLARATION
FOR REISSUE
PATENT APPLICATION
TO CORRECT "ERRORS" STATEMENT
(37 CFR 1.175)**

Attorney Docket Number	51291.81516
First Named Inventor	Larren F. Jones
COMPLETE if known	
Application Number	09/368,503
Filing Date	08/05/1999
An Unit	3871
Examiner Name	Victor D. Batson

I/We hereby declare that:

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I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Robert E.		McClanahan	
Inventor's Signature	<i>Robert E. McClanahan</i>	Date	03 MAY 07
Name of Second Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Hezekiah R.		Holland	
Inventor's Signature	<i>[Signature]</i>	Date	3-10-07

☒ Additional inventors or legal representatives(s) are being named on the 1 supplemental sheets PTO/SB/02A or 02LR attached hereto.

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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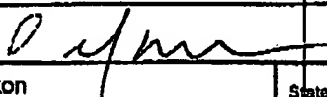
PTO/SB/2LR (02-07)

Approved for use through 02/28/2007. OMB 0851-0032

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DECLARATION Supplemental Sheet**For Legal Representatives (35 U.S.C. 117) On Behalf of A Deceased or Incapacitated Inventor**Enter Deceased or Incapacitated Inventor's Name Larren F. JonesPage 2 of 2

Name of Legal Representative:		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Daniel Thomas		Jones	
Legal Representative's Signature 		Date <u>3/19/07</u>	
Residence: City	Beaverton	State	OR
Country	USA	Citizenship	USA
Mailing Address 6955 SW Merry Lane			
Mailing Address			
City	Beaverton	State	OR
Zip	97008	Country	USA
Name of Additional Legal Representative, if any:		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Legal Representative's Signature			
Residence: City		State	
Country		Citizenship	
Mailing Address			
Mailing Address			
City		State	
Zip		Country	
Name of Additional Legal Representative, if any:		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Legal Representative's Signature		Date	
Residence: City		State	
Country		Citizenship	
Mailing Address			
Mailing Address			
City		State	
Zip		Country	

This collection of information is required by 35 U.S.C. 117 and 37 CFR 1.42, 1.43, 1.63 and 1.64(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

LARREN F. JONES ET AL.

SERIAL NO.: 09/368,503

FILED: AUGUST 5, 1999

REISSUE OF U.S. PAT. NO. 5,653,048

**FOR: WEAR ASSEMBLY FOR A DIGGING
EDGE OF AN EXCAVATOR**

ATTY DKT NO.: 51291.81516
GROUP ART UNIT: 3671
EXAMINER: VICTOR D. BATSON

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To correct one error, the claim 1 limitation, "a second surface adapted to be positioned remote from the digging edge" (in regard to the boss), was removed from new claim 55.

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Robert E. McClanahan
Robert E. McClanahan

25 JUL 07
Date


Hezekiah R. Holland

Date 7/5/07

Daniel Thomas Jones

Date _____

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

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SERIAL NO.: 09/368,503

FILED: AUGUST 5, 1999

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Robert E. McClanahan

Date

Hezekiah R. Holland

Date


Daniel Thomas Jones

(signing on behalf of deceased inventor Larren Jones)


Date